

## **REMARKS**

### ***Status of the Application***

This paper is responsive to the Office Action of record, entered in the above referenced pending application.

Claims 11, 12, 14, 19, and 21-24 are pending.

The pending claims stand rejected under one or more of 35 U.S.C. §112, 35 U.S.C. §102(e) and 35 U.S.C. §103(a).

### ***Amendments to the Claims***

Claim 14 is amended to recite that the method is to prepare a polymer.

Claim 19 is amended to correct two minor typographical errors.

No new matter is introduced by these amendments.

### ***Claim Rejections – 35 U.S.C. § 112***

Claims 11, 12, 14, 19 and 21-24 stand rejected as indefinite under § 112[2]. Claim 14 has been amended to advance the prosecution by changing “polymeric composition” to “polymer” in this claim. Applicants respectfully submit that this addresses the rejection, and request that the rejection be withdrawn.

### ***Claim Rejections - 35 U.S.C. § 102***

Claims 14 and 21-22 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Adaway et al., U.S. Patent No. 7,102,042 (“*Adaway*”). Applicants respectfully traverse this rejection.

Applicants’ invention, as recited in Claim 14, is a method of making a polymer in which the monomers are treated with **at least two** reagents capable of adding substituents to the monomers, prior to polymerization. *Adaway* discloses a method of alkylating fluorene or dibromofluorene with a single alkyl halide. The Examiner has pointed to the statement: “A variety of alkylhalides may be used as alkylating agents.” (Column 3, lines 5-6 of *Adaway*). However, this statement is merely a list of possible reagents that may be used individually. There is no suggestion of using *combinations* of alkylating agents.

Furthermore, at every instance in *Adaway*, it is taught that a single alkylating agent is used.

Abstract, lines 4-5:

combining fluorene or dibromo fluorene [sic], an excess of alkali metal hydroxide and **a halogenated alkyl** [emphasis added].

Column 1, lines 61-64:

the steps of combining fluorene or dibromo fluorene [sic], an excess of alkali metal hydroxide and **a halogenated alkyl** in the presence of a phase transfer catalyst but in the absence of a polar aprotic solvent; [emphasis added].

Column 3, lines 15-16:

**The** alkylhalide [sic] is contacted with the fluorene or dibromo fluorene [emphasis added]

Example 1a, column 3, line 36: a single alkylating reagent, chlorohexane, is added.

Example 2a, column 4, line 12: a single alkylating reagent, chlorooctane [sic], is added.

Example 3, column 4, line 51: a single alkylating reagent, chlorohexane, is added.

There is no teaching or suggestion anywhere in *Adaway* that more than a single alkylating agent be used.

Applicants respectfully submit that Claim 14 and all the claims dependent thereon, are not anticipated by *Adaway*. Applicants request that this rejection be withdrawn.

### ***Claim Rejections - 35 U.S.C. § 103***

Claims 11, 12, 19, and 23-24 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Adaway et al.*, U.S. Patent No. 7,102,042 (“*Adaway*”) in view of *Rietz et al.*, U.S. Patent No. 6,132,641 (“*Rietz*”). Applicants respectfully traverse this rejection.

*Rietz* discloses soluble poly(bis-9,9'-fluorenes) which may have substituents that are the same or different. *Rietz* also discloses that spirobisfluorene polymers can be used as fluorophores in light emitting diodes. However, the teaching of *Rietz* does not overcome the basic deficiency of *Adaway*, as discussed above. There is no teaching or suggestion in the combined *Rietz* and *Adaway* references of forming a mixture of randomly substituted spirofluorene monomers, or monomers of any kind, by treating with at least two reagents capable of adding substituents, as recited in Applicants' Claim 14, upon which Claims 11, 12, 19, and 23-24 are dependent. Applicants' polymer results from the polymerization of randomly substituted monomers. This variation of substituents alters the morphology of claimed polymeric compositions, which is neither taught nor suggested by *Adaway* or *Rietz*.

Applicants respectfully submit that Claims 11, 12, 19, and 23-24 are patentable over *Adaway* in view of *Rietz*. Applicants request that this rejection be withdrawn.

Application No.: 10/771,040  
Docket No.: UC0210USNA

### **CONCLUSION**

In view of the foregoing remarks, Applicants submit that a thorough and complete response to the Office Action mailed on December 17, 2008, has been made in this paper and that the above referenced pending application is in condition for allowance. A Notice of Allowance for Claims 11, 12, 14, 19, and 21 is therefore earnestly solicited.

Should there be any questions about the content of this paper or the status of the application, the Examiner is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,

/JOHN H. LAMMING/

**John H. Lamming**  
Corporate Counsel  
E. I. du Pont de Nemours and Company  
Registration No.: 34,857  
Telephone: (302) 992-5877

Dated: March 17, 2009